

CODENEXT

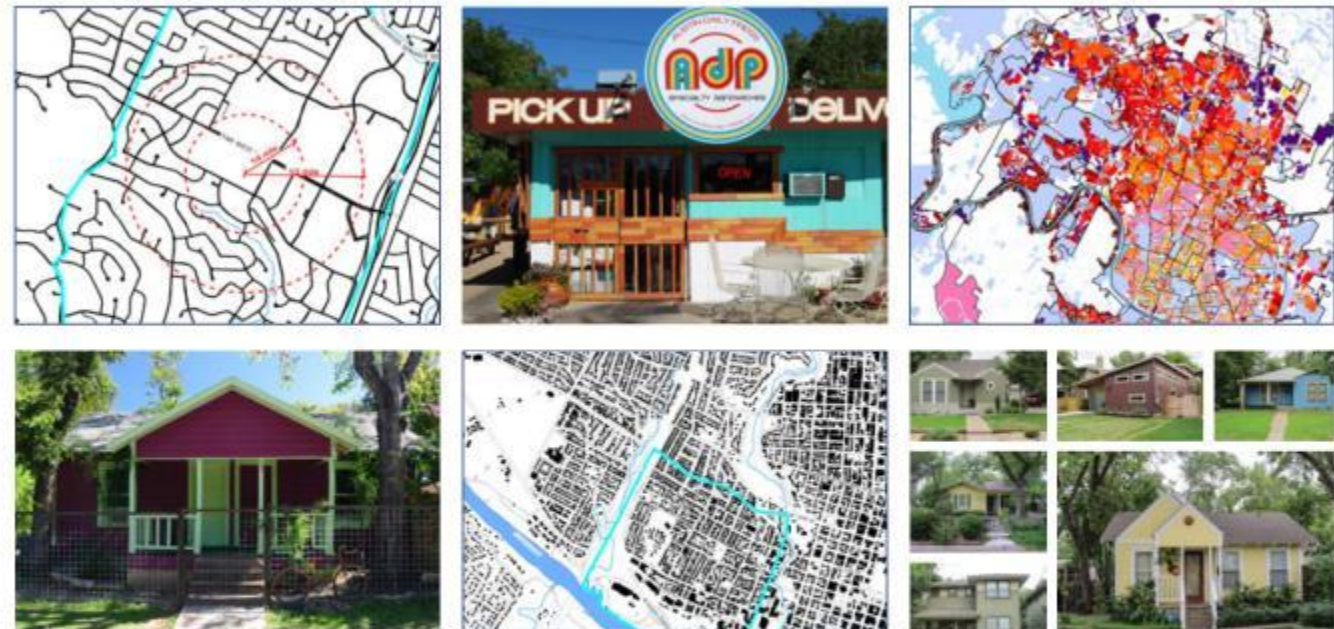
SHAPING THE AUSTIN WE IMAGINE



Code Diagnosis Introduction

Presented by:
Planning and Development
Review Department

May 2014



AUSTIN, TEXAS
LAND DEVELOPMENT CODE DIAGNOSIS



CODENEXT
SHAPING THE AUSTIN WE IMAGINE



What Are the Top 10 Issues With the Land Development Code?

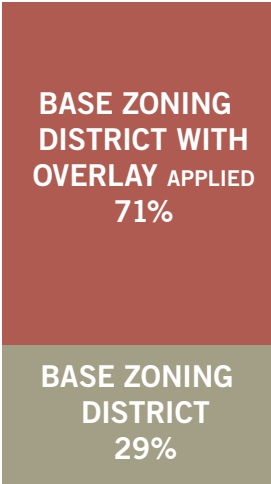
Summary of Key Findings: Providing Focus to the Rewrite

1

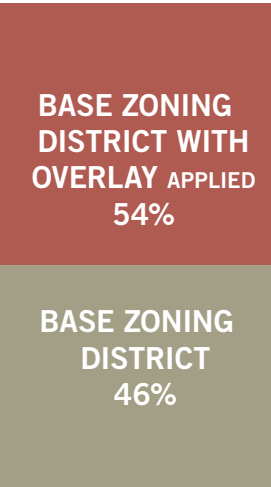
Ineffective Base Zoning Districts

Base Zone Districts Do Not Recognize Appropriate
Form or Different Types of Places

Less than 50% of City is Regulated without Overlays

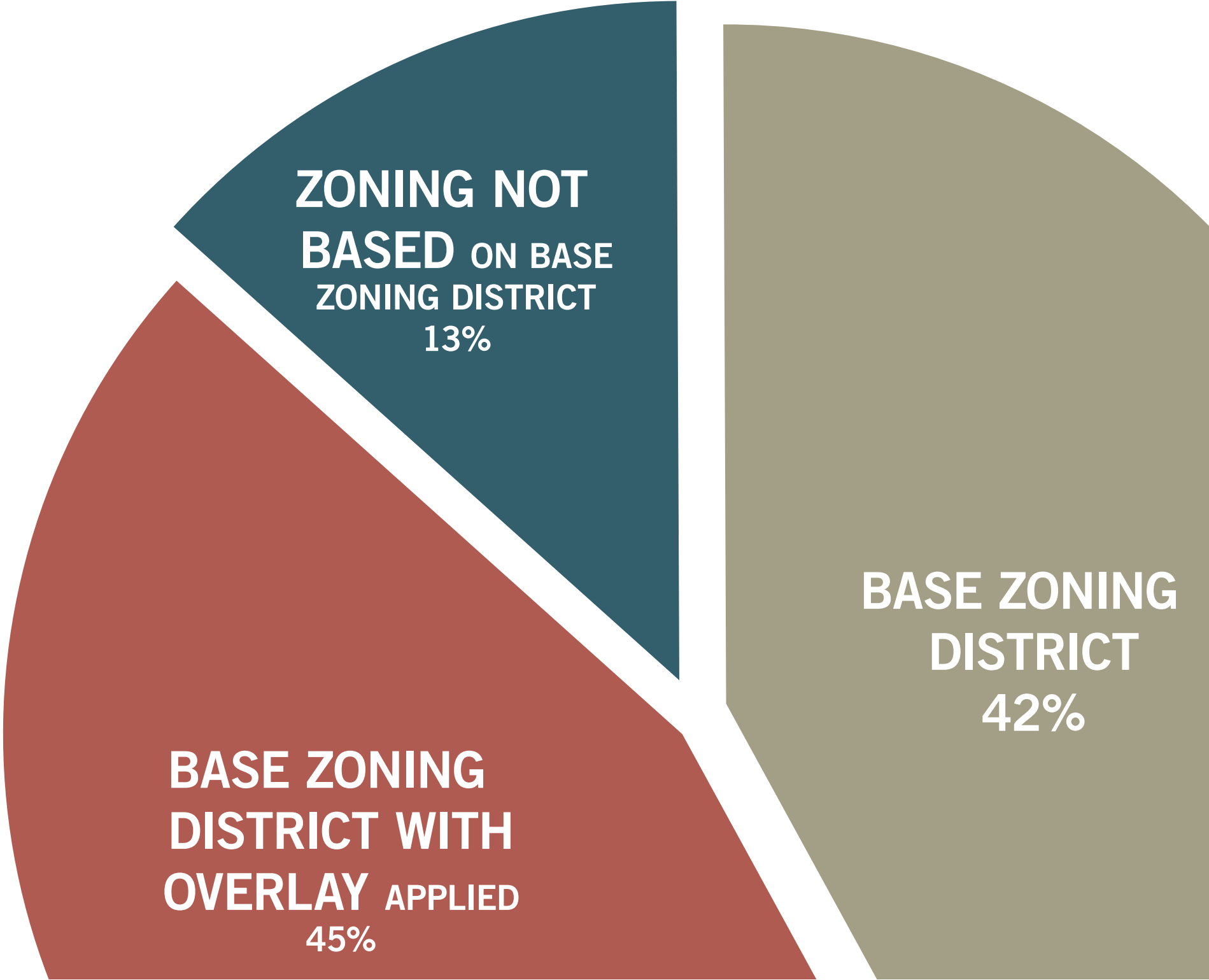


COMMERCIAL ZONING DISTRICTS



RESIDENTIAL ZONING DISTRICTS

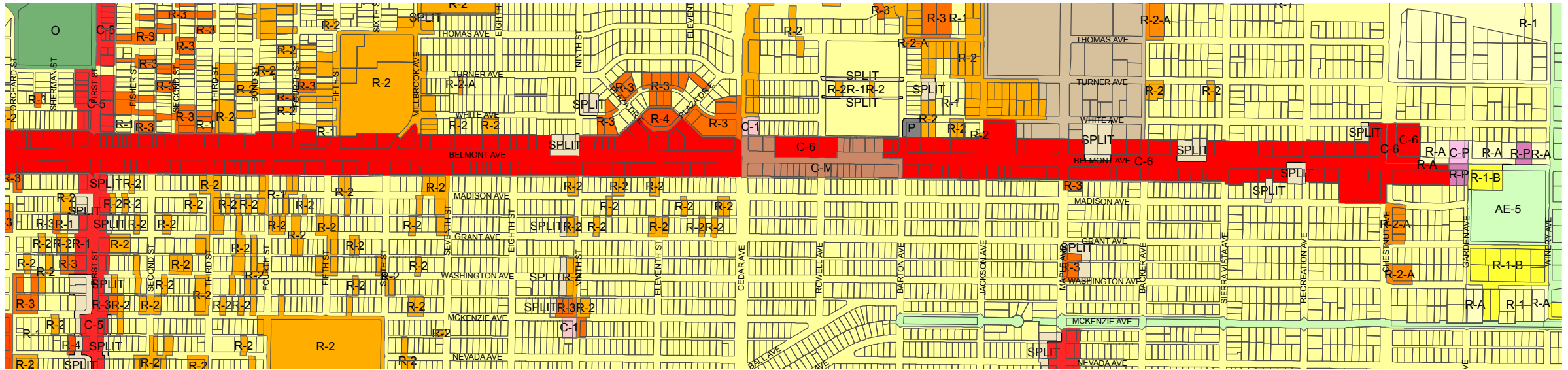
Graphs representing the percentage of land citywide and how it is regulated



Regulating Single Family Too Broadly? Example SF-3



Need to Establish Hierarchy Along Corridors



Top: Conventional approach to regulating a corridor: No Hierarchy. No Flexibility.



Form-based approach to regulating the same corridor. Clear Hierarchy. Focused Flexibility.

Rich Palette of Base Zones Must Recognize Different Contexts



Walkable Urban



Transitional



Drivable Suburban



2

Competing Layers of Regulations

Many Layers of Regulations Create Competing Systems

$$33 \times 19 = 627^*$$

Base Zoning Districts Combining Districts Possible Combinations

* Not all overlays can be applied to all base zoning districts.

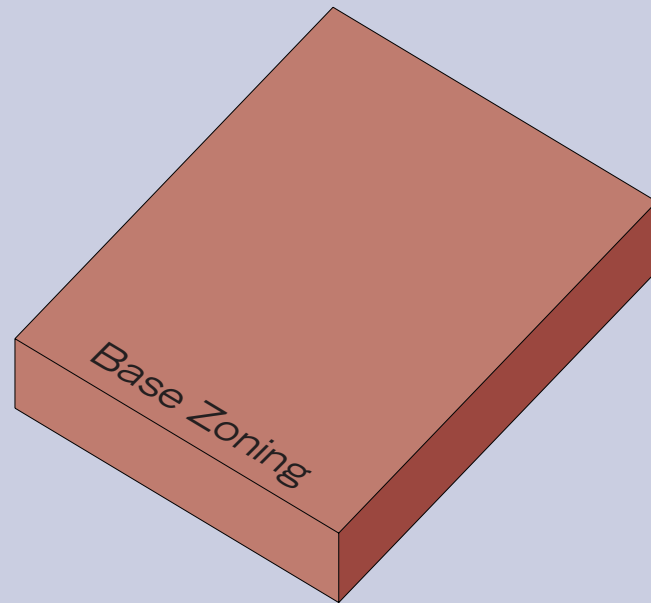
400+

Found Combinations in the LDC

How Did You Get Here?

Added Layers of Regulation

33 base zoning districts were originally created.

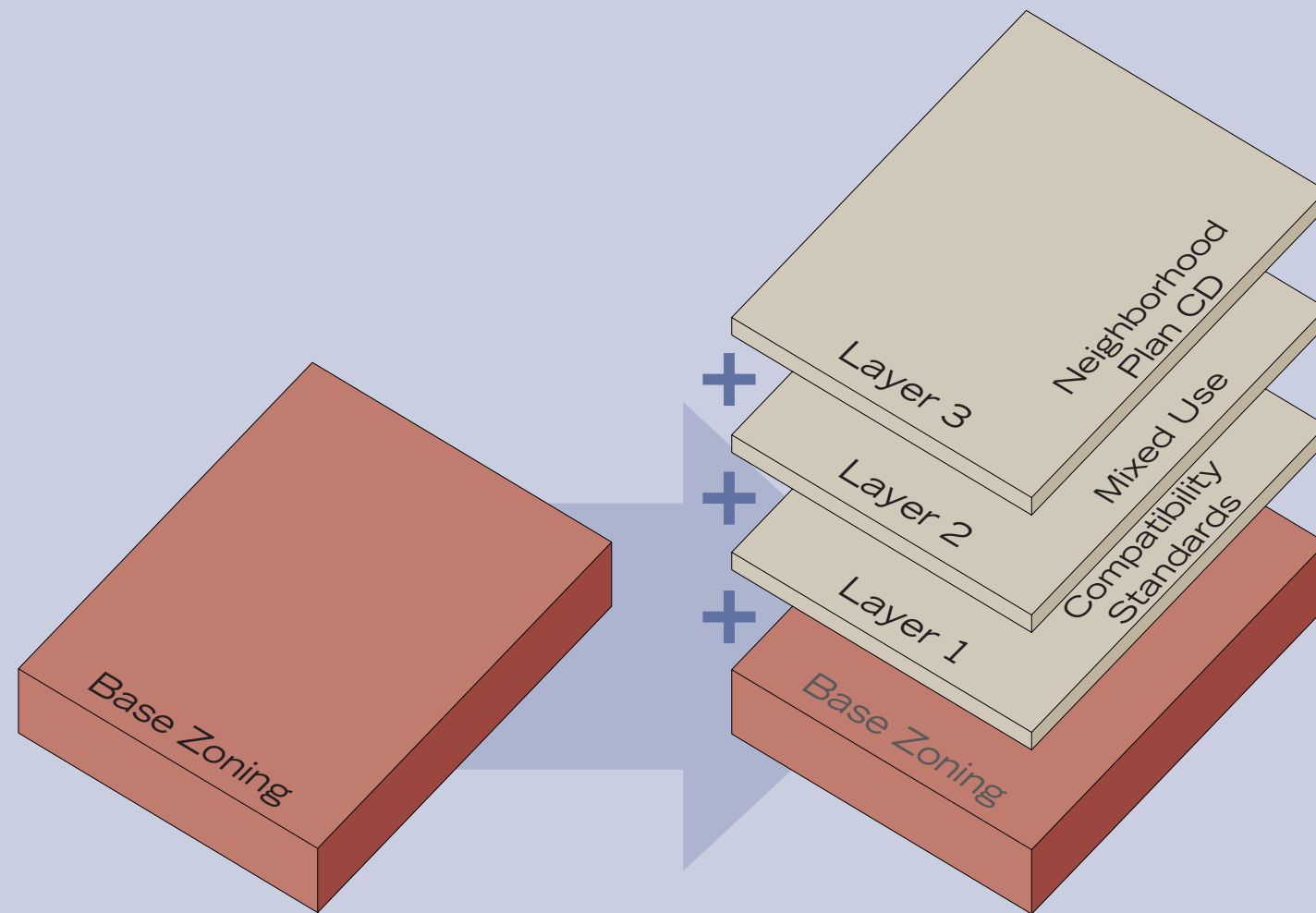


How Did You Get Here?

Added Layers of Regulation

33 base zoning districts were originally created.

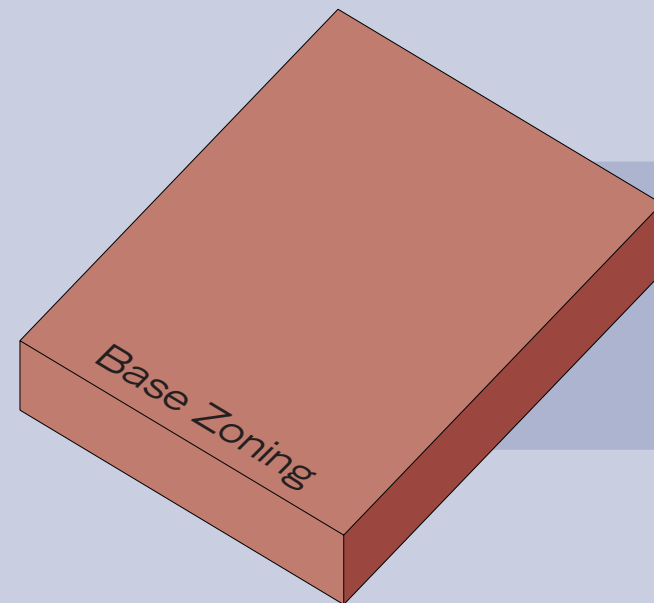
Supplemental layers of regulations were added to address incompatibilities.



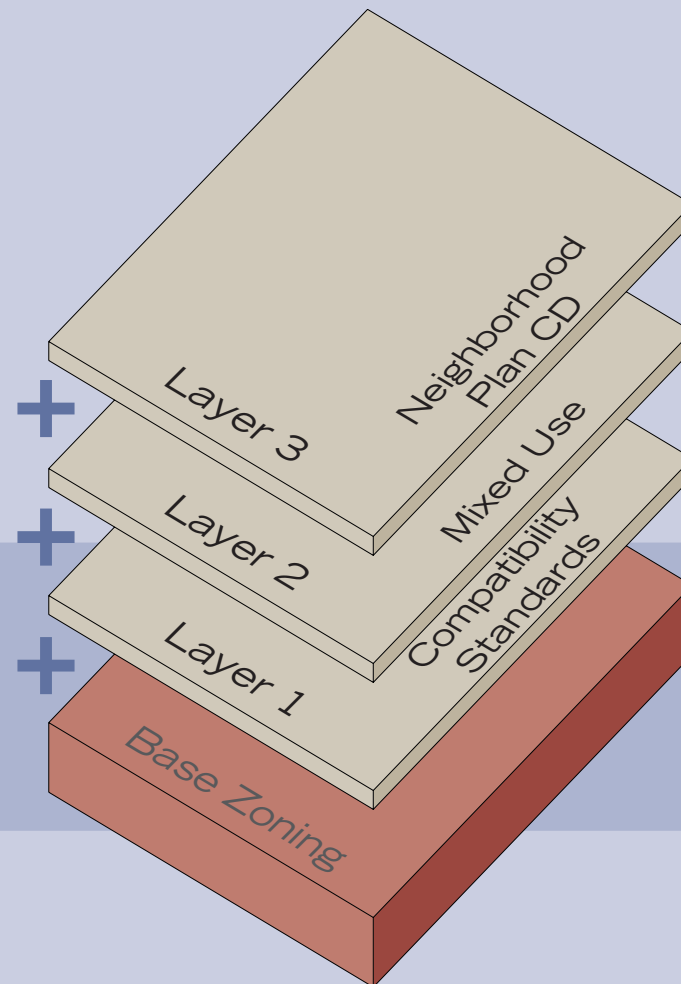
How Did You Get Here?

Added Layers of Regulation

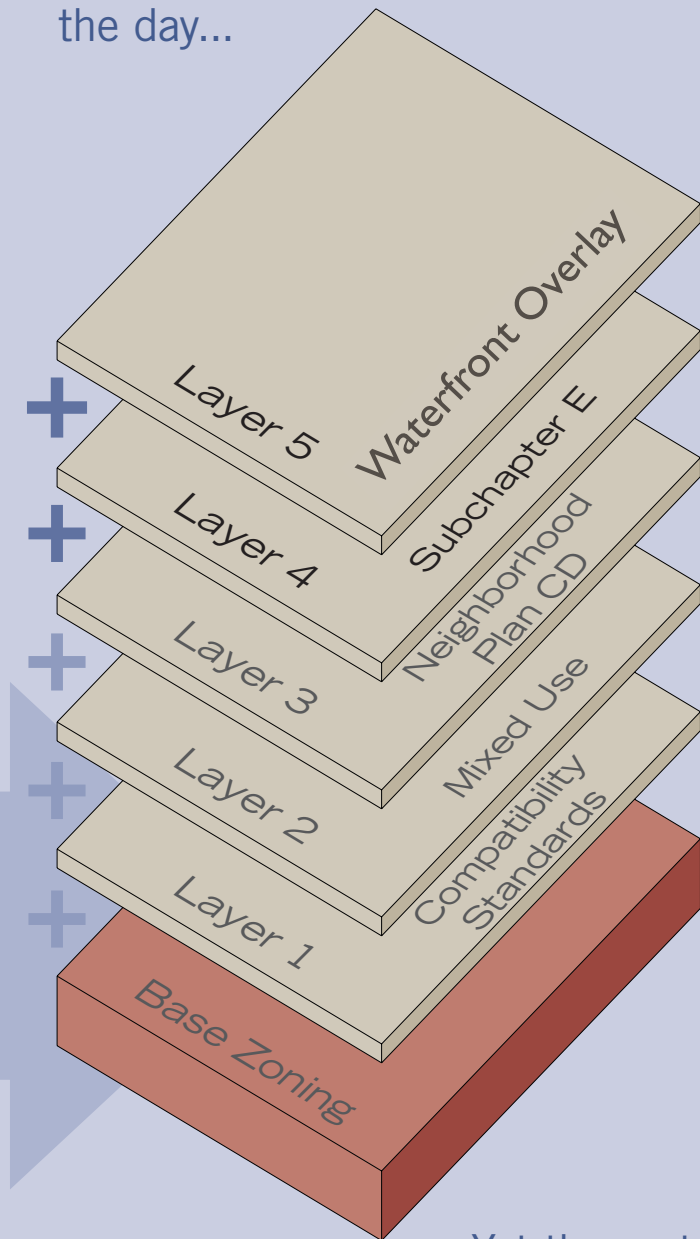
33 base zoning districts were originally created.



Supplemental layers of regulations were added to address incompatibilities.



Still more supplemental layers added to address top issues of the day...



...Yet the root of the problem was never fixed.

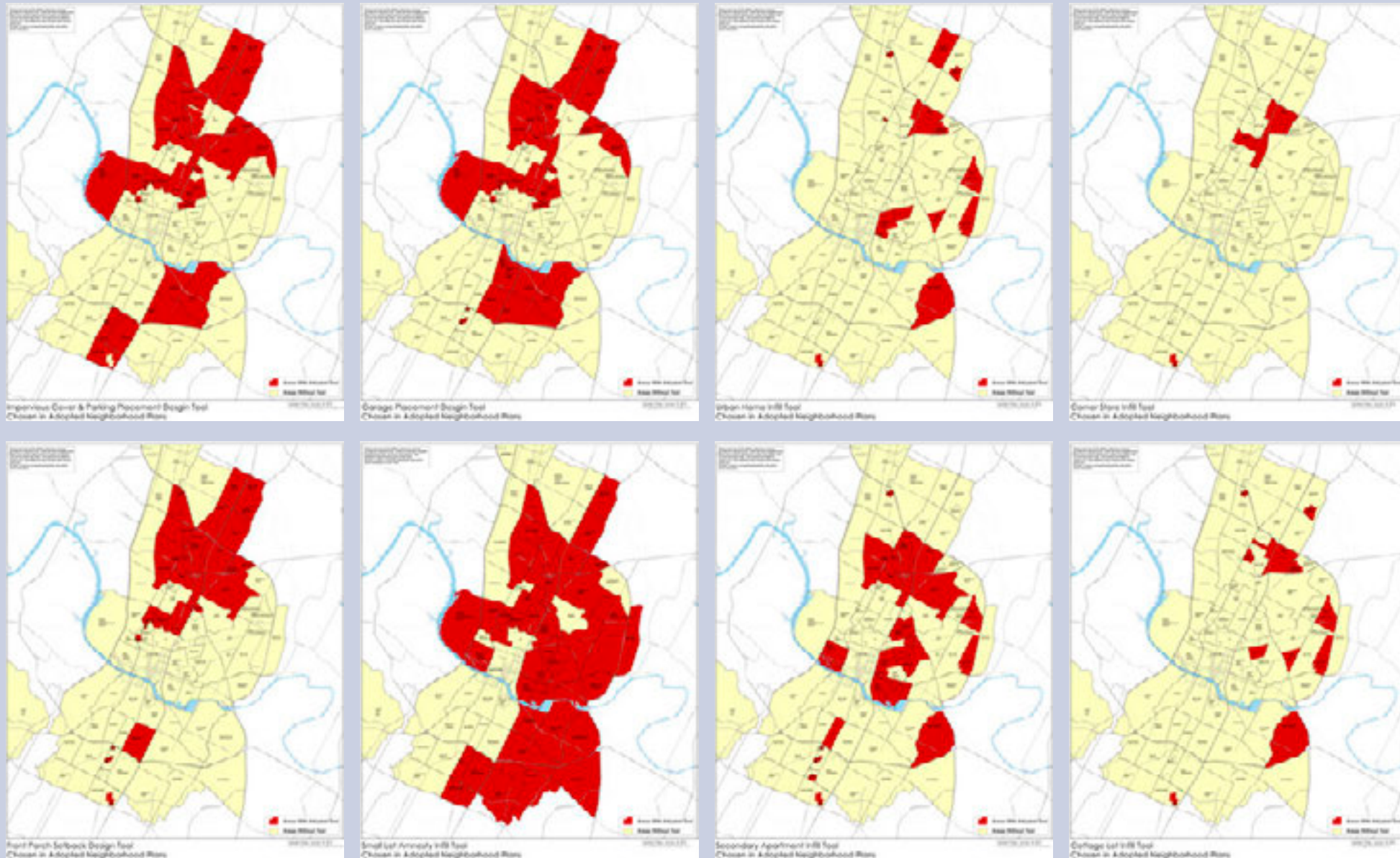
3

Complicated “Opt-in, Opt-Out” System

This is Over-Complicating the Code

Tools: Good Intent. Ineffective Application

Applicability of Neighborhood Plan Tools



The maps above represent the areas within the neighborhood plans that use or may use additional planning tools. Note that these areas are not

represented on the zoning map and instead must be referenced separately, adding an additional layer of complexity to the usability of the code.

4

Lack of Household Affordability and Housing Choice

Household Affordability “Gap” Continues to Grow

Household Affordability

1. Restrictive Limits on Density in Some Areas Unduly Impacts Construction Costs
2. Inefficient Approval and Permitting Processes Drive Up Development Costs
3. Few Policy Levers in Place to Preserve or Enhance Existing Affordable Housing
4. Current Density Bonus Programs Are Not Yielding Needed Results



Carriage House



Fourplex



Duplex



Mansion Apartment/Apartment House



Duplex



Large Multiplex (6 – 8 units)

Limited Housing Choices Regulated by Existing Code



5

Auto-Centric Code

An Obstacle to a Compact, Connected Austin and
Protection of Community Character

Regulations are Creating Auto-Dependent Density



Diagram of parking lots and driveways, shown in grey



The structure abuts one story single-family houses



Parking surrounding buildings



First 3 floors are reserved for parking



Lots paved over for parking

Parking Regs are Prohibiting Small Scale, Compatible Infill



6

LDC Not Always In Line with Imagine Austin

Current Land Development Code Does Not
Proactively Implement Imagine Austin

Priority Program I: Invest in a Compact and Connected Austin



City and partners have invested in transit, bicycle and pedestrian infrastructure, but...

Transportation Infrastructure Has Not Kept Pace



Priority Program 2: Sustainably Manage Water Resources

Less Urban ←————→ More Urban



Vegetated Swale



Urban Channel

Stormwater Tools: Choose Right Tool Based on Context



Lack of Clarity and Usability

Adversely Affect LDCs Effectiveness

Inconsistent Structure and Location of Content

ORGANIZATION OF CONTENT

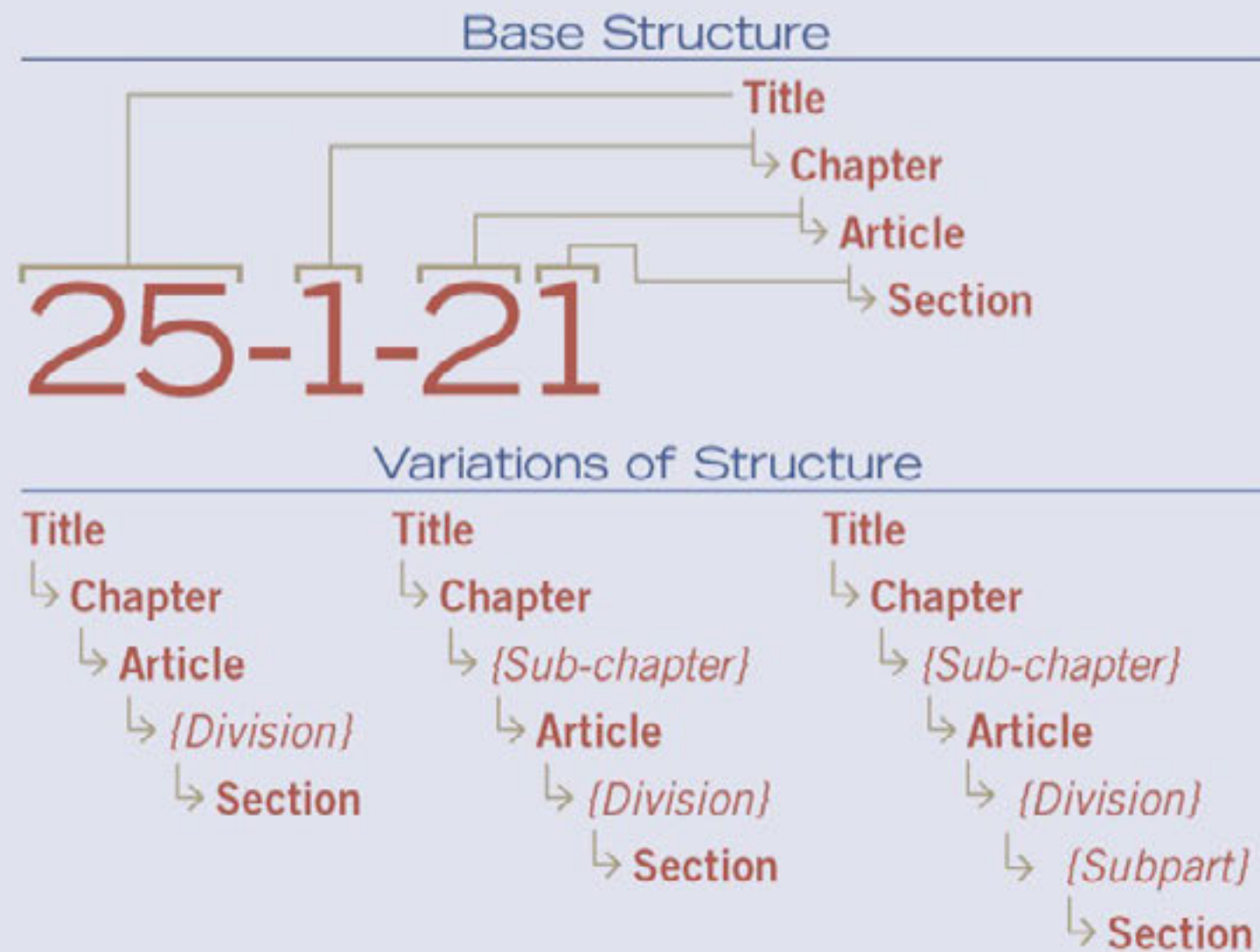
The basic structure of the existing Land Development Code has four major structural levels below Title 25 Land Development Code:

- Chapter
- Article
- Section

This organizational structure has been amended over the past 30 years with additional layers added, such as:

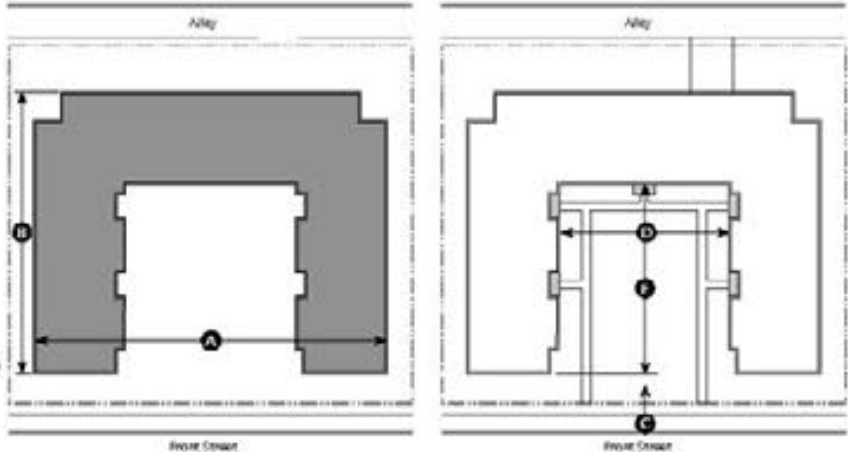
- Division
- Sub-chapter
- Subpart

While these new layers have been added, the methodology for numbering the layers for ease of referencing has not been updated, making the numbering system ineffective at allowing a user to understand where in the hierarchy of the LDC the reference exists.



Basic Graphic Design and Usability in New Code

A **Specific to Building Types** 1703-3.120
Stacked Flats



D

C

Key

- ROW / Lot Line
- Setback Line
- Building
- Frontage
- Open Space

B. Number of Units

Units per Building	12 min.
Stacked Flat Building per Lot	1 max.

C. Building Size and Massing

Height

Height	2 stories min. ¹
--------	-----------------------------

¹Height shall also comply with transect zone standards in Section 1703-2 (Specific to Transect Zones).

Main Body/Secondary Wing(s)

Width	200' max.
Depth	200' max.

Accessory Structure(s)

No accessory structures are allowed.

D. Allowed Frontage Types

Porch: Projecting	1703-4.50
Sloop	1703-4.70
Forecourt	1703-4.80

E. Pedestrian Access

Units shall enter from a courtyard or a street.

Courtyards shall be accessible from the front street.

Each unit may have an individual entry.

F. Private Open Space

No private open space requirement.

G. Courtyard(s)

Width	40' min.; 150' max.
Width-to-Height Ratio	1:2 to 2:1
Depth	40' min.; 150' max.
Depth-to-Height Ratio	1:2 to 3:1
Area (Total)	400 sf min.; 50 sf/unit min.

City of Cincinnati Form-Based Code Final Draft 2/15/13 3-23

Section 1703-2: Specific to Transect Zones

Subsections:

- 1703-2.10 Purpose
- 1703-2.20 Applicability
- 1703-2.30 Transect Overview
- 1703-2.40 T3 Estate (T3E)
- 1703-2.50 T3 Neighborhood (T3N)
- 1703-2.60 T4 Neighborhood Medium Footprint (T4N.MF)
- 1703-2.70 T4 Neighborhood Small Footprint (T4N.SF)
- 1703-2.80 T5 Main Street (T5MS)
- 1703-2.90 T5 Neighborhood Large Setback (T5N.LS)
- 1703-2.100 T5 Neighborhood Small Setback (T5N.SS)
- 1703-2.110 T5 Flex (T5F)
- 1703-2.120 T6 Core (T6C)

1703-2.10 Purpose

This Section provides regulatory standards governing building form and other topics, such as land use and signage, within the transect zones. The form-based Code is a reflection of the community vision for implementing the intent of the Comprehensive Plan to create places of walkable urbanism. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character.

1703-2.20 Applicability

A. The standards of this Section shall apply to all proposed development within transect zones, and shall be considered in combination with the standards in Sections 1703-3 (Specific to Building Types), 1703-4 (Specific to Frontage Types), and 1703-5 (Supplemental to Transect Zones). If there is a conflict between any standards, the stricter standards shall apply.

B. The standards of this Section shall be considered in combination with the standards...

1703-2.30

City of Cincinnati

- A** Strong headers and footers explain where you are inside the document.
- B** Table of Contents in each new section.
- C** Clear indenting, section breaks, and labeling.
- D** Clear graphics and illustrations visually explain regulations.

8

Ineffective Digital Code

Feels Like Stepping Back To 1984

Code Usability Further Hindered by Dated System

austintexas.gov

Quick Search: Search

Document Search Results Print Save Email Help

Previous Doc Next Doc Prev Match Next Match New Window

ARTICLE 1. SITE PLANS GENERALLY.

Division 1. Site Plan Requirement and Notice.

§ 25-5-1 SITE PLAN REQUIRED.

Except as provided in Section [25-5-2 \(Site Plan Exemptions\)](#), a site plan must be approved and released under this chapter before:

- (1) a person may change the use of property;
- (2) a person may develop property; or
- (3) the building official may issue a building permit.

Source: Section 13-1-600; Ord. 990225-70; Ord. 031211-11.

§ 25-5-2 SITE PLAN EXEMPTIONS.

(A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section [25-5-1 \(Site Plan Requirement\)](#). The director may require an applicant to revise a previous *Released Site Plans*.

(B) A site plan is not required for the following development:

- (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or accessory structure, if:
 - (a) not more than one principal residential structure is constructed on a legal lot or tract; and
 - (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement is not located in the 100 year flood plain;
- (2) removal of a tree not protected by this title;
- (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
- (4) construction of a fence that does not obstruct the flow of water;
- (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
- (6) restoration of a damaged building that begins within 12 months of the date of the damage;

9

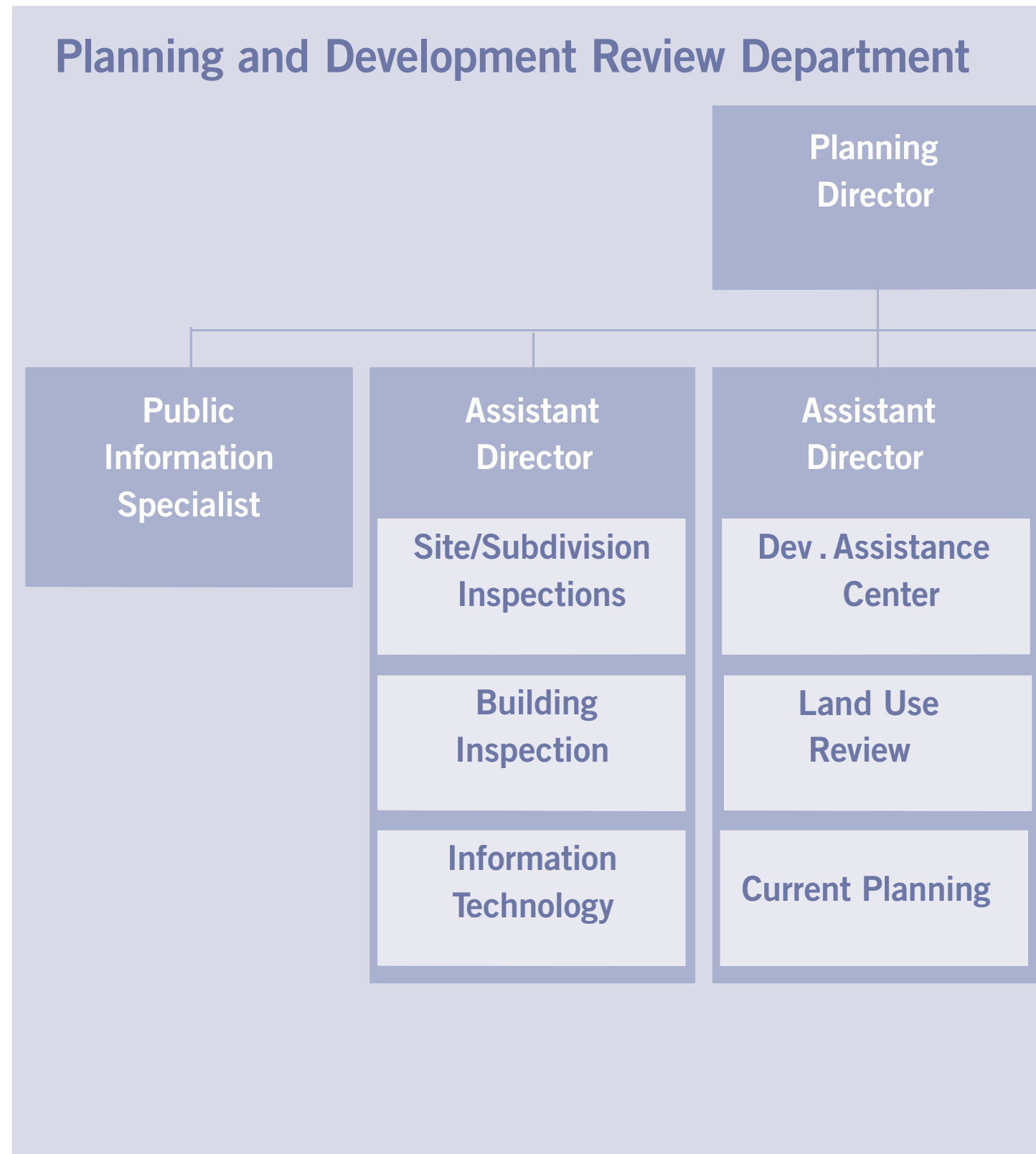
Code Changes Adversely Affect Department Organization

A Complex Code Generates a Complex Entity

LDC Complexity Impacts the Organizational Structure

1. Multi-Layered System
Lacks a by-right discipline
2. Difficulty of Maintaining a
Common
Interdepartmental Mission
3. Continuous amendments
complicate administration
and staff training

This Effort Is the Opportunity
to Break Down Silos to
Improve Integration



Side Effects of LDC Complexity

1. Strains the Development Assistance Center Workspace
2. Increases Potential for Conflicting Department Requirements



10

Incomplete and Complicated Administration and Procedures

Creates Inconsistent and/or Lengthy Reviews

Creates Inconsistent and/or Lengthy Reviews

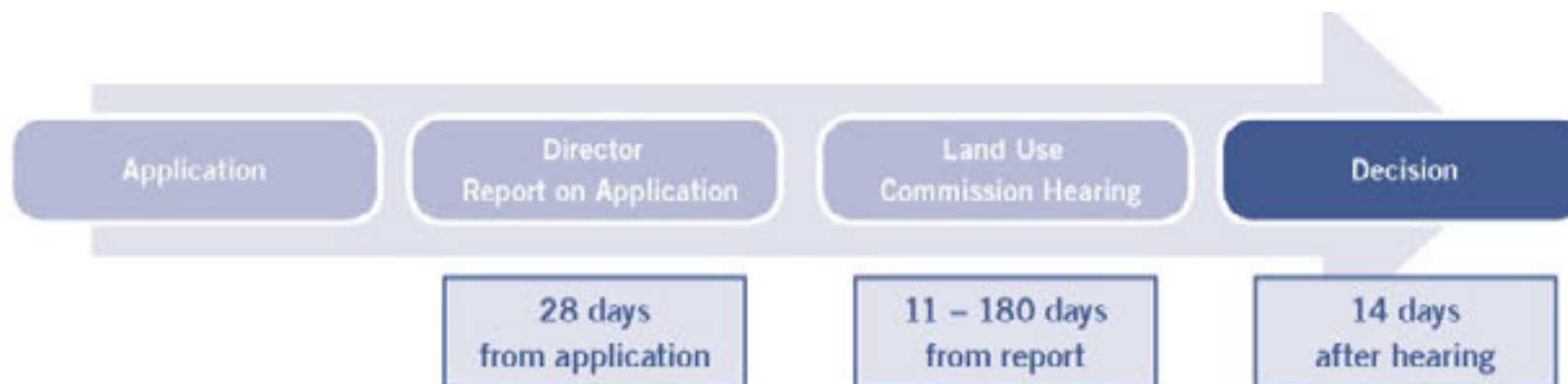
Application Review Time Table								
Permit	Subdivision		Site Plan		Commercial Building		New Residential	
Fiscal Year	2013	2012	2013	2012	2013	2012	2013	2012
Average Days	33	30	29	28	33	34	11	5
Percent On-Time	41%	59%	42%	42%	25%	22%	82%	84%

Source: City of Austin, Development Process Tracking, September 2013

Cycle Time Table								
Permit	Subdivision		Site Plan		Commercial Building		New Residential	
Fiscal Year	2013	2012	2013	2012	2013	2012	2013	2012
Average Days	108	102	114	112	209	188	94	45
Approved within 120 Days	51%	65%	49%	50%	25%	32%	67%	91%

Source: City of Austin, Development Process Tracking, September 2013

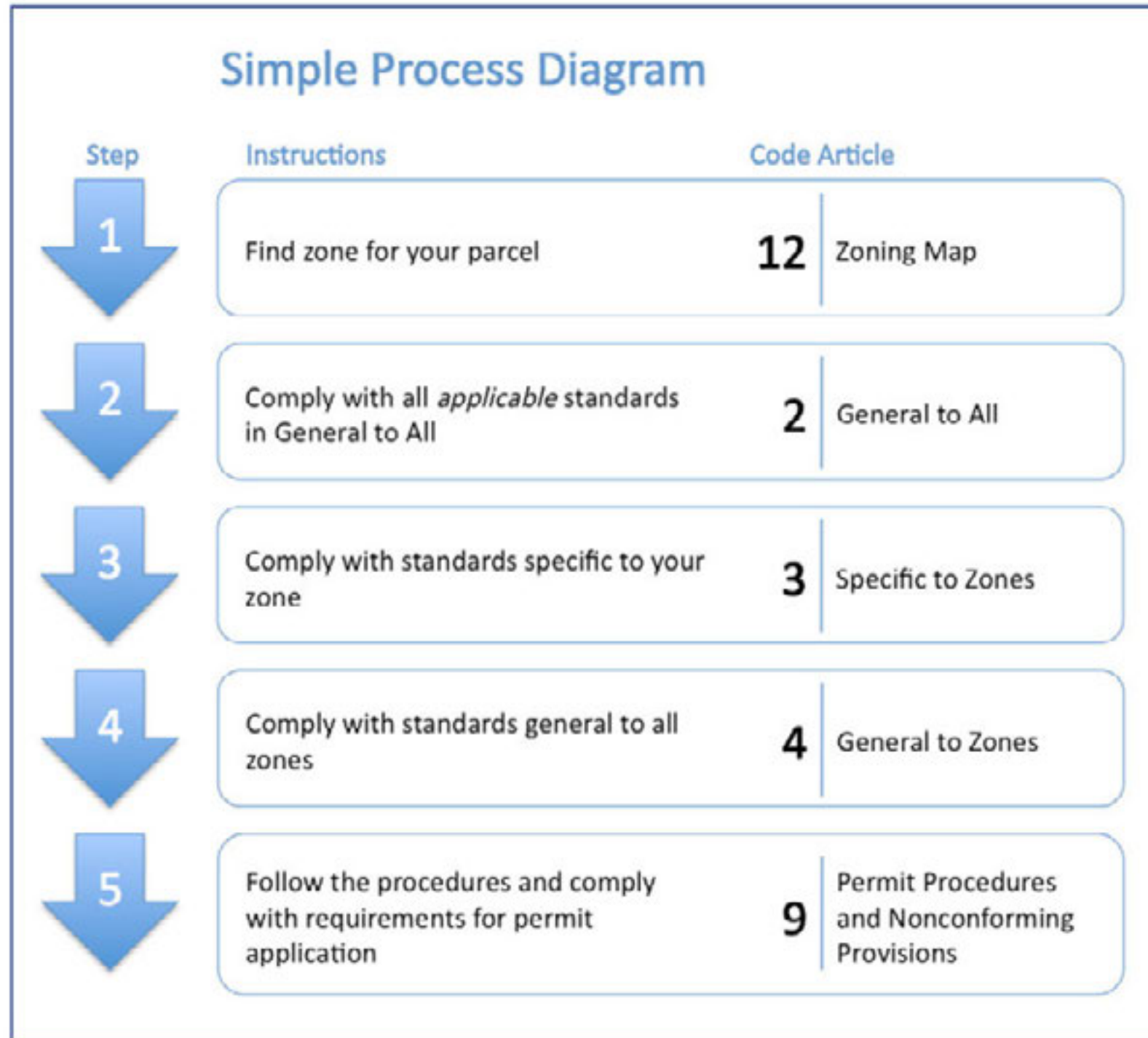
- 1) Process not well defined
- 2) Administration information spread throughout document
- 3) Missing or incomplete code administration information
- 4) Inconsistent interpretations
- 5) Overlapping layers of boards and commissions
- 6) Convoluted variance and appeal process, etc.



To put the above tables in context, the graphic above provides targeted time frames for site plan review and approval. (The time frames do not include the applicant request for a review extension of up to 180 days.)

Lack of Flexibility to Add Staff During Upswings - Inability to Respond

Clarity is Needed in the Process



Sample Process Diagrams from Livermore Development Code

Conclusion

What's Next & a Few Final Thoughts

This is a Foundation for Making a Plan to Untangle the Mess



Hybrid Code is Likely Good Approach

PLANNING PRACTICE

Going Hybrid

How one city overhauled its zoning code while combining form-based and conventional elements.

By Roger E. Eastman, AICP, with Daniel Parolek and Lisa Wise

FLAGSTAFF, ARIZONA, entered an exclusive club in November. It is now one of the few cities in the U.S. that have adopted a hybrid zoning ordinance with both form-based components and conventional Euclidean elements as part of a complete code rewrite. "Simplified, streamlined, predictable" raved an editorial in the *Arizona Daily Sun* while praising both the code and the process used to adopt it. Getting the new code adopted wasn't easy, but many city residents think the effort will be repaid in a more efficient, more equitable, and easier-to-use zoning system. The adoption of the new zoning code also caps off a successful public engagement process that has changed the generally negative perception of city planners.

TIME FOR AN UPDATE

An important first step in approaching a new code was differentiating between what Leinberger calls "walkable urban" and "drivable suburban" areas (Leinberger, *Urbanism*, Island Press, 2008). As a distinction, Flagstaff could use form-based code in the walkable areas and conventional code in the drivable areas, generally leaving the form-based code in place in the

Thus, a new transect-based hybrid code resulted that defaults to promoting and allowing for walkable urbanism while seamlessly incorporating refined yet otherwise conventional Euclidean zoning tools for the drivable suburban areas. Because the regulations for the two different types of areas are not muddled together, the form-based code could be kept intact—and development opportunities could emerge in a manner con-

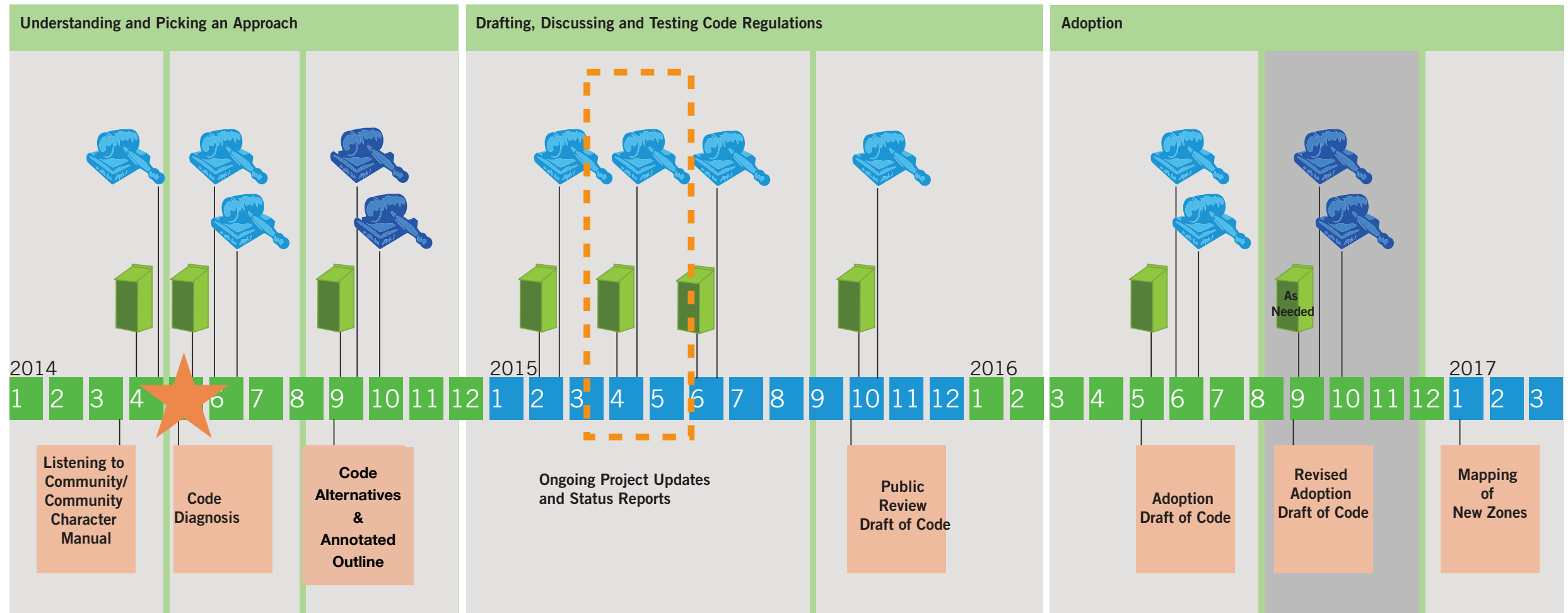
Flagstaff (pop. 62,000), at an elevation of about 7,000 feet, is the regional hub of northern Arizona. Established as a stop on the early transcontinental railway in 1882 and later Route 66 and Interstate 40, Flagstaff quickly grew as a logging and ranching town, and as a gateway for tourists visiting the Grand Canyon and other national parks and monuments. Residents appreciate the natural beauty of the area and enjoy outdoor pursuits such as hiking, skiing, hunting, fishing, and camping.

The downtown and oldest neighborhoods were planned with small blocks and lots, and today are valued for their historic buildings and inherently walkable urban character. Typical of many American cities, Flagstaff's urban form changed after World War II as auto-oriented suburban developments were added to the periphery of the city. Until recently Flagstaff's zoning ordinances have actively promoted these driveable suburban development patterns.

The need for a comprehensive update of the city's land development code had been apparent for some time as developers, contractors, design professionals, and residents complained about the code's complexity and inconsistency. Some even blamed the cumbersome nature of the code for contributing to the high cost of development and the failure of live districts and economic develop-

- Hybrid codes apply different zoning tools in different places within a city.
- Ability for city to "right-size" the zoning tools needed in a predictable and clear manner.

Next Steps: Major Deliverables



KEY



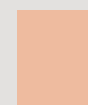
City Council
Presentation/
Work Session



City Council
Decision



Code Advisory Group &
Planning Commission
Presentation/
Special Session



Major
Deliverable

Clarifications

- CodeNEXT is not a vision or plan – it is a tool to help implement Neighborhood Plans and Imagine Austin
- Zoning has two components: the ordinance and the map
- Form-based codes do regulate land use, not just building form

Upcoming Events

CodeTALKS

First topic: Compatibility

Thursday, June 12; 8:00am - 10:00am

and

Saturday, June 14; 9:00am - 12:00pm

Where: Palmer Events Center

(900 Barton Springs Road, MR 3-5)



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